Supreme Court, U.S.
FILED
OCT 28 1987
JOSEPH F. SPANIOL, JR.
CLERK

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Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of the United States

Ronald Reagan, Defendant

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

THE PETITION FOR CERTIORARI

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of the United States

Ronald Reagan, Defendant

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

Questions to be Reviewed

1. The lower Courts have ruled that citizens do not have General Standing to challenge in court actions of the Executive Branch. Valley Forge Christian College -v- Americans United for Separation of Church and State, Inc., 454 U.S. 464 (1982)

2. Plaintiff requests the Supreme Court of the United States to decide if regulation of Commerce with foreign nations, Article I, Section 8, Paragraph 3, of the Constitution of the United States, is a legislative action.

3. Must the President of the United States Government obey the Constitution of the United States when proceeding with an official Executive Action?

4. When the President does not adhere to the Constitution of the United States, is the President not making an Executive Action?

5. Plaintiff requests the Supreme Court of the United States to decide if United States citizens have the right to defend their Constitution against those who oppose it.

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of the United States

Ronald Reagan, Defendant

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

LIST OF ALL PARTIES WHOSE JUDGMENT IS TO BE REVIEWED

1. United States District Court for the Eastern District of Michigan.

Case No. 87-70213 133 U.S. Courthouse
231 West Lafayette St.
Detroit, Michigan
48226-2781
(313) 226-7060

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of The United States

Ronald Reagan, Defendant

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2. United States Court of Appeals,

Sixth Circuit

U.S. Post Office & Courthouse

Cincinnati, Ohio

45202

(513) 684-2953

Case No. 87-1260

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of The United States

Ronald Reagan, President

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

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Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of The United States

Ronald Reagan, Defendant

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

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Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of The United States

Ronald Reagan, Defendant

Todd Schmidt(In Pro Per)

Counsel for Plaintiff

48092 Ben Franklin

Utica, Michigan 48087

(313) 731-4098

_____

Todd Schmidt

Ross I. MacKenzie

Assistant U.S. Attorney

817 Federal Court Bldg.

Detroit, MI 48226

(313) 237-4776

(Counsel for Defendant)

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff

-v-

The President of The United States

Ronald Reagan, Defendant

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

TABLE OF AUTHORITIES

1. ARTICLE ONE, SECTION EIGHT, PARAGRAPH THREE of the Constitution of the United States.

2. ARTICLE THREE of the Constitution of the United States.

3. See Valley Forge Christian College -v- Americans United for Seperation of Church and State, Inc., 454 U.S. 464 (1982).

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff-Appellant

-v-

The President of the United States

Ronald Reagan, Defendant-Appellee

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

REQUEST FOR DOCKET NUMBER

1. Now Comes the Plaintiff-Appellant Todd Schmidt, to request a Docket Number.

2. This case is on Appeal from the Federal Appeals Court, Sixth Circuit, Cincinnati, Ohio. Case No. 87-1260.

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff-Appellant

-v-

The President of the United States

Ronald Reagan, Defendant-Appellee

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

3. Plaintiff-Appellant is (In Pro Per), and requests that the Supreme Court of the United States not hold Plaintiff-Appellant to the same standards of an Attorney.

Todd Schmidt (In Pro Per)

Counsel for Plaintiff

48092 Ben Franklin

Utica, Michigan 48087

(313) 731-4098

_____

Todd Schmidt

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff-Appellant

-v-

The President of the United States

Ronald Reagan, Defendant-Appellee

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

REQUEST FOR DOCKET NUMBER

Ross I. MacKenzie

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(Counsel for Defendant)

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff-Appellant

-v-

The President of the United States

Ronald Reagan, Defendant-Appellee

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

JURISDICTIONAL STATEMENT

1. Article 3 of the Federal Constitution of the United States give's Original Jurisdiction, in all cases of Law and Equity arising under this Constitution, to the Supreme Court.

2. On February 23, 1987, Hon. Judge Avern Cohn, a United States Federal Judge for the Eastern District of

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Michigan, ordered the dismissal of Todd Schmidt -v- the President of the United States, Ronald Reagan. District Court Case No. 87-70213.

3. The District Court held that the plaintiff lacked standing to challenge in court Executive Actions of the President of the United States. See Valley Forge Christian College vs. American United for Separation of Church and State, Inc., 454 U.S. 464 (1982)

4. On August 10, 1987, the United States Court of Appeals for the Sixth Circuit ordered to dismiss the appeal of Todd Schmidt -v- The President of the United States, Ronald Reagan; finding the appeal frivolous and entirely without Merit. United States Court of

Appeals, Sixth Circuit Court Case No. 87-1260.

5. Article I, Section 8, Paragraph 3, of the Constitution of the United States gives Congress the exclusive power to regulate commerce with foreign nations.

6. When the President of the United States, Ronald Reagan, sold TOW missles to Iran, the President made a Legislative action, not an Executive action.

7. Valley Forge holds no grounds for dismissal.

8. Todd Schmidt, the Plaintiff-Appellant, claims to have standing because he received injury to his constitutional right to have his elected Representation in Congress regulate

Commerce with foreign nations.

9. Standing is based on injury.

10. Injury is any damage or wrong done to the Rights of an individual.

11. The Constitutional Right of Plaintiff, to have his elected Representation in Congress vote to regulate Commerce, has been injured.

12. The relief Plaintiff seeks is a judgement that proves the President of the United States, Ronald Reagan, is liable for wrongs committed against the Constitutional Rights of the Plaintiff, Todd Schmidt.

13. The relief Plaintiff seeks is a Pretrial Hearing.

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

Todd Schmidt, Plaintiff-Appellant

-v-

The President of the United States

Ronald Reagan, Defendant-Appellee

On Appeal From The

COURT OF APPEALS, SIXTH CIRCUIT

Cincinnati, Ohio

APPENDIX TO JURISDICTIONAL STATEMENT

1. The dismissal of Todd Schmidt, -v- The President of the United States, Ronald Reagan, by the Appeals Court of the Sixth Circuit is located on page 18 of this collection. Page numbers are found at the bottom of all pages.

2. The order of dismissal given to Todd Schmidt -v- The President of

Docket No. _____

In The

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1987

the United States, Ronald Reagan, by the Federal District Court of the Eastern District of Michigan is located on page 50 of this collection. Page numbers are found at the bottom of all pages.

3. All briefs, resolutions, and other appended material; submitted by the plaintiff into each of the lower courts, have been attached to the orders of each court respectively.

No. 87-1260

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

TODD SCHMIDT,

Plaintiff-Appellant,

v.

THE PRESIDENT OF THE UNITED STATES, RONALD REAGAN,

Defendant-Appellee.

O R D E R

BEFORE: ENGEL, KRUPANSKY, and NELSON
Circuit Judges

The defendant moves to dismiss, on jurisdictional grounds and on grounds of frivolousness, this appeal from the district court's order dismissing the case. The plaintiff has responded to the motion. The case has been reviewed by the panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit, and the panel agrees unanimously that oral argument is not needed. Rule 34 (a), Federal Rules of Appellate Procedure.

The plaintiff's complaint alleges that the defendant violated the Constitution when he sold military equipment to Iran. The district court held that the plaintiff lacked standing because he had not shown a specific injury to himself. Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464 (1982). We agree with the conclusion of the district court for the reasons stated in its order.

Finding the appeal frivolous and entirely without merit, we dismiss the appeal under Rule 9(b)(4), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

John Hehman, Clerk

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U. S. Post Office & Courthouse Building

Cincinnati, Ohio

Mr. Todd Schmidt (In Pro Per)

48092 Ben Franklin

Utica, MI 48087 (313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff-Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213

PRO SE APPELLANT'S BRIEF

(1) Did the District Court fail to consider important grounds for relief?

Yes.

If so, what grounds?

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT No. 87-1260

The United States of America is a country where Government has limited power. United States citizens have certain rights to protect them from the arbitrary actions of those in authority. The United States grants equality to all United States citizens. The laws of the United States are to secure this equality for all United States citizens. If the President of the United States is given immunity from the law, justice for all United States citizens will not be a reality in the United States.

The Judicial Branch must apply itself to preserve The Constitution of the United States and protect the rights of United States citizens to have a fixed form of Federal Government. The citizens of the United States are not represented

by their federal government when actions of those is authority are not constitutional. The Federal Government of the United States is the form of Government written in The Constitution of the United States. Any other form of Federal Government is illegal and the citizens of the United States must be able to use the Federal Courts to challenge other United States citizens in authority who violate the rights of all United States citizens to have a fixed form of Federal Government.

The Judicial Branch can only give decisions on matters that have been filed in their courts. If the United States citizens can not use the Judicial system to secure their rights of equality and their right to have a fixed

form of Federal Government, U.S. citizens will not have the ability to protect themselves from the arbitrary actions of those in authority. We the people need to have the ability to challenge in court arbitrary actions of those in authority.

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U.S. Post Office & Courthouse Building

Cincinnati, Ohio

Mr. Todd Schmidt (In Pro Per)

48092 Ben Franklin

Utica, MI 48087

(313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff-Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213

PRO SE APPELLANT'S BRIEF

(2) Did the District Court incorrectly decide the facts? Yes.

If so, what facts?

Please, the Judicial Branch of our Government must protect the citizens of the United States from the arbitrary actions of those in authority. When the President of the United States, Ronald Reagan, sold TOW missles to the country of Iran, he violated Article One, Section eight, Paragraph three of the Constitution of the United States.

My case was dismissed on the grounds that citizens do not have general standing to challenge in court actions of the Executive Branch with which they disagree. See Valley Forge Christian College vs. Americans United for Separation of Church and State, Inc., 454 U.S.464 (1982).

The Constitution of the United States only allows the Executive Branch of Government power to do

certain actions. The Executive Branch cannot regulate trade. Therefore, I do not challenge in court actions of the Executive Branch. If the Executive Branch is restricted by the Constitution from regulating trade, the President cannot claim such an actions as an action of the Executive Branch. Any attempt by the President to regulate trade is an arbitrary action. The courts cannot recognize the Presidents' decision to sell weapons to Iran as an Executive actions. The Constitution does not give the President the power to sell weapons. Any decision made by the President that does not follow the guide lines of The Constitution of the United States, is not an action of the Executive Branch.

We must seperate Constitutional actions of the Executive Branch from

the personal decisions of the President. The President must always stay equal with the citizens of the United States. The President must always be liable for actions that the Constitution does not qualify as an Executive action. The decision to sell weapons to Iran by the President was not an executive action. Valley Forge holds no grounds for dismissal.

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U. S. Post Office & Courthouse Building

Cincinnati, Ohio 45202

Mr. Todd Schmidt (In Pro Per)
48092 Ben Franklin
Utica, Michigan 48087
(313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff-Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213

PRO SE APPELLANT'S BRIEF

(3) Do you think the District Court applied the wrong law? Yes

If so, what do you want applied?

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, No. 87-1260 Q3

I want to apply the type of law that restricts any United States citizens from illegally changing the Executive power of the Constitution of the United States. When a United States citizen is elected to serve in the position of United States President, they must apply the guidelines of the Constitution of the United States when making an Executive action. All unconstitutional actions of the United States President are personal actions. The United States President must always be liable for unconstitutional actions. A crime against the Constititution of the United States is a crime against all United States citizens. United States citizens can take any individual to trial if that individual commits a crime against them.

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U.S. Post Office & Courthouse Building

Cincinnati, Ohio 45202

Mr. Todd Schmidt (In Pro Per)

48092 Ben Franklin

Utica, Michigan 48087

(313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff-Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213

PRO SE APPELLANT'S BRIEF

(4) Do you feel that there are any other reasons why the District Court's judgement was wrong? Yes.

If so, what are they?

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, No. 87-1260. Q4

The shared powers of the Constitution of the United States are intended to exist for an eternity. United States citizens are to use the Constitution of the United States as their form of Government. If a United States citizen become arbitrary in their executive actions when elected to serve in the position of the United States President, they become liable to all United States citizens who wish to press charges in Federal Court. United States citizens must have the right to protect their form of Constitutional Government.

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U.S. Post Office & Courthouse Building

Cincinnati, Ohio 45202

Mr. Todd Schmidt, (In Pro Per)

48092 Ben Franklin

Utica, Michigan 48087

(313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213

PRO SE APPELLANT'S BRIEF

(5) What action do you want the Court to take in this case?

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT. No. 87-1260 Q5

I want the United States Court of Appeals, Sixth Circuit, to reverse the Order of Dismissal given to case No. 87-1260 Todd Schmidt, Plaintiff-Appellant vs. The President of the United States, Defendant-Appellee. Dist. Ct. No. 87-70213. Please let case No. 87-1260 be heard in court.

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

U.S. Post Office & Courthouse Building

Cincinnati, Ohio 45202

Mr. Todd Schmidt, (In Pro Per)

48092 Ben Franklin

Utica, Michigan 48087

(313) 731-4098

RE: No. 87-1260

Todd Schmidt, Plaintiff-Appellee vs. The President of the United States, Defendant-Appellant. Dist. Ct.No. 87-70213

PRO SE APPELLANT'S BRIEF

(6) Do you think the Court should hear oral argument in this case. No.

If so, why do you think so?

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT. No. 87-1260

I certify that a copy of this brief was sent to opposing counsel via U.S. Mail on the 26th day of March , 1987.

_____

Todd Schmidt (Notary not required)

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

TODD SCHMIDT,

Plaintiff-Appellant

-vs-

No. 87-1260

THE PRESIDENT OF THE UNITED STATES,

Ronald Reagan,

Defendant-Appellee

RESOLUTION TO SHOW JURISDITION

Appellee's motion to dismiss for lack of jurisdiction is inaccurate. ARTICLE 3, SECTION 2, of The Constitition of the United States gives jurisdiction to the Judicial Branch of Government for all cases, in Law and Equity, arising under this Constitition.

Appellant has a guarantee, as a United States citizen, to have equality before the Courts. Individuals who are elected to serve in the position of President must follow Constitutional

Constitititional Law when making an Executive action. Individuals who violate appellant's right to have a fixed form of Constitutional Federal Government can not be given immunity. If the Federal Courts give immunity to the President in this case, The United States Court of Appeals must re-establish equal justice.

The United States Government is the only establishment allowed to claim immunity in Court. The Federal Torts Claims Act, of 1946, gives immunity to the Government but does not give immunity to the President of the United State when the President violates The Constitution of the United States.

Appellant understands that citizens do not have general standing to challeng in Court actions of the Executive Branch. But, when the President does not follow Constitutional Law when selling weapons,

The President has violated the right of appellant to have a fixed form of Constitutional Federal Government. Any damage or wrong done to another person's rights can be legally claimed as an injury. A person who challenges the constitutionality of an action must prove injury. Article I, Section 8, Paragraph 3, of The Constitution of the United States gives Congress the power to regulate commerce with foreign nations.

Article Five of The Constitution of the United States does not give the President the power to amend the procedure of legal trade. Congress has exclusive power to regulate commerce with foreign nations, regulatory powers of Congress extend to private contracts as well. The President cannot sell TOW missles without the consent of Congress.

Any law that provides the President with the power to sell weapons without the consent of Congress is VOID. Unconstitutional Laws that are repugnant to the Constitution are Void, Marbury v. Madison, 1803.

Standing is proving injury. Injury is any wrong or damage done to another person's rights. Appellant's right to have a fixed form of Constitutional Federal Government has been violated. The Judicial Branch has jurisdiction in all cases of Law and Equity. All United States citizens have a guarantee of equality before the Courts. A United States citizen cannot be given immunity for actions that are unconstitutional. Only Constitutional Executive actions cannot be challenged in Court. If the Federal Court gives immunity to the President in this case, The Court of Appeals must re-establish equal Justice for all United States citizens.

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, No. 87-1260

JURISDICTION

APPELLANT'S PERSONAL OPINION

Lawsuites in the past, against the President, were in opposition to Constitutional actions of the Executive Branch. Citizens can't claim injury from Constitutional actions of the Executive Branch. Appellant's complaint is a rare occurrance where the President has committed an unconstitutional action. Appellant's case, No. 87-1260, might be the only chance in our lifetime to answer a questions that has persisted to go unresolved. Please, don't allow the Equal status of all United States citizens to change. Any United States citizen that commits a wrong against the rights of another person must be liable for all those who are injured. The President can't be given immunity for violating the right of appellant to have

a fixed form of Constitutional Federal Government. Future leaders of the United States might be more careful to follow Constitutional Law when making Executive actions if the United States Court of Appeals rules in favor of appellant and officially determines that leaders of the United States are responsible for their unconstitutional actions. This type of ruling can only help in the preservation of the democratic society. To favor social equality is the democratic way of life. If the Court of Appeals dismisses case No. 87-1260, justice for all will not be a reality in the United States. Case No. 87-1260 might be the only chance to prove, the equal standing of all United States citizens does not change when another United States citizen is elected to serve in the position of President.

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, No. 87-1260

Constitutional actions of the President can not be challenged in court. But, unconstitutional actions violate the right of appellant to have a fixed form of constitutional Government. Standing is based on injury to appellant's right to have a fixed form of Government. The Court of Appeals does not lack jurisdiction.

We the citizens of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, ordained and established the Constitution of the United States as our form of Federal Government When the President does not follow this form of Federal Government when selling

weapons, the President has not adhered to the most famous affirmation prescribed by law in the United States, The President's oath of Executive office. This affirmation claims the President will "preserve, protect and defend the Constitution of the United States." To preserve is to retain or keep in a fixed form that which is not to be disturbed. We, the citizens of the United States, need the ability to preserve, protect and defend the Constitution when an arbitrary action of someone in authority violates the Constitituion. This ability can only be established by case No. 87-1260, if case No. 87-1260 is allowed to have a trial. Remember that Executive actions in the past have always been constitutional and have not violated the right of appellant to have a fixed form of Constitutional Federal Government.

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, No. 87-1260

The fixed form of Federal Government used in the United States can only be changed by the method provided in Article Five of the Constitution of the United States. The President can not arbitrarily change the legal procedure of commerce. Article I, Section 8, Paragraph 3, of the Constitution of the United States gives exclusive power of commerce to the Congress. The President can not sell weapons without the consent of Congress.

Todd Schmidt (In Pro Per)

48092 Ben Franklin

Utica, Michigan 48087

(313)731-4098

Dated: 5-18-87

UNITED STATES COURT OF APPEALS

SIXTH CIRCUIT

Cincinnati, Ohio 45202

Todd Schmidt

vs. Case No. 87-1260

The President of the United

States, Ronald Reagan

WRITTEN ARGUMENT

Seperation of Executive Actions

From

Illegal Actions.

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT , Case No. 87-1260

1. When the President commits a crime against an Individual, the President is liable for that crime and cannot be given immunity from due process of the law because he is presently serving his term as Executive of the United States. Being elected into a position of Government does not change the equal standing of all United States citizens.

2. Although the Senate has sole power of Impeachment, the Federal Court has no restriction that denies it the power to impose a penalty against the President when the President injures the right of another. The only restriction on the Federal Court's ability to impose a penalty is that the penalty of the Court cannot be the removal of Executive power from the President; that would be an Impeachment. Only the Sen-

ate can Impeach the President.

3. No Law prevents the President from conducting his duties as President when the President has been put into prison.

4. Please allow Case No. 87-1260 to be given a trial. Appellant does not seek to Impeach the President. The relief Appellant seeks is a judgement that proves every man and woman is liable for crime they commit.

5. Standing is based on Injury. Injury is any damage done to the rights of an Individual. Appellant's right to have a fixed form of Constitutional Federal Government has been violated.

6. Not often does the President violate the rights of others; for this reason, the questions of equality being granted to all United States citizens, including citizens elected to serve in

a position of Government, has persisted to go unresolved. If the United States Court of Appeals allows Case No. 87-1260 to have a trial before the Senate decides to remove the President from office, the world will know that Democracy does not offer Immunity to any one that violates the Law, including those in public office.

7. It is so important that Appellant wins his trial against the President. It is more important to win the right of equality for all United States citizens and allow others in the future to use the Courts when they are injured by an action of someone in a position of Government.

8. We must prove that unofficial, unconstitutional actions of the President are liable to prosecution by those who are inured. The legal, constitutional Executive Actions of the President cannot

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT, Case No. 87-1260

be challenged in court. See Valley Forge Christian College vs. Americans United for Seperation of Church and State, Inc. 454 U.S. 464 (1982)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

TODD SHCMIDT,

Plaintiff,

vs. Civ. No. 87-70213

THE PRESIDENT OF THE

UNITED STATES,

RONALD REAGAN,

Defendant.

_____/

ORDER OF DISMISSAL

1.

Plaintiff, alleging standing as a citizen of the United States of America, seeks declaratory relief against the President of the United States of America. He claims that the President sold TOW missiles, spare helicopter parts, and spare aircraft parts to the country of Iran in violation of U.S. Const. art. i, § 8, cl. 3, which gives Congress the power to regulate commerce with foreign nations.

On February 4, 1987, the Court ordered Plaintiff to show cause why the case should not be dismissed for his lack of standing, specifically, to plead a direct injury that would show a "case or controversy" under Art. III, § 2, c. 1. See Valley Forge Christian College v. American United for Separation of Church and State, Inc., 454 U.S. 464 (1982); Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974); United States v. Richardson 418 U.S. 166 (1974). Plaintiff's February 9 response cites threats to "(his) guaranteed form of constitutional government" and to "(his) protection from the arbitrary actions of those in authority." He distinguishes the above cited cases on grounds he does not seek detailed information about the arms sales (Richardson), and that he does not allege undue influence by the President (Schlesinger). He also appeals to the flexibility of the

common law. He does not seek to distinguish Valley Forge, which reaffirmed the Supreme Court's earlier statements that citizens do not have general standing to challenge in court actions of the Executive brach with which they disagree.

Plaintiff's case must be dismissed for failure to establish standing. A case may dismissed other than on the merits if the plaintiff has been given an opportunity to respond to the Court's stated reasons in its notice of intent to dismiss. Morrison v. Tomano, 755 F. 2d 515 (6th Cir. 1987). The supervisory guidelines of the Court of Appeals for the Sixth Circuit have been satisfied

Accordingly, the case is DISMISSED.

SO ORDERED.

Avern Cohn
United States District Court

Dated: Feb. 23, 1987
Detroit Michigan

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT STATE OF MICHIGAN

File Number: 87-70213

Todd Schmidt

vs.

The President of the United States,

Ronald Reagan

THE UNCONSTITUTIONAL PROCEDURE OF COMMERCE

I, Todd Schmidt of 48092 Ben Franklin, city of Utica, county of Macomb, state of Michigan, zip code of 48087, hereby declare my constitutional right to set forth a claim against the President of the United States of America, Ronald Reagan. Jurisdiction is founded on diversity of citizenship. The plaintiff is a resident of the State of Michigan. The defandant is a resident of the District of Columbia.

The regulation of commerce with foreign nations is a power given to the Congress of the United States of

America. This law is written in The Constitution of the United States, article one, section eight, paragraph three.[1] The power to regulate commerce is not given to the President of the United States of America. When the President of the United States of America sold TOW missles, spare helicopter parts, and spare aircraft parts to the country of Iran, The Constitution of the United States was violated.

No man or woman is not liable to prosecution in the United States of America. As a citizen of the United States of America, I am obligated to defend my country when its border is violated. I am also obligated to defend my constitutional form of government when it has been violated. The relief I seek is a judgement that proves every many and woman is liable for crimes they commit.

References

[1]The Constitution of the United States, Article one, Section eight, Paragraph three.

Todd Schmidt (In Pro Per)
48092 Ben Franklin
Utica, Michigan 48087
(313) 731-4098

Dear Hon. Judge Avern Cohn,

In response to any precedent of any case heard before, I believe my case is the first. Never before has the executive branch been taken to court on this issue of constitutional violation of Article I, Section 8, Paragraph 3. Todd Schmidt vs. The President of the United States, Ronald Reagan, deals with the authorization to sell American property without approval of Congress.

United States v. Richardson, 418 U.S. 166 (1974)

I do not seek to obtain detailed information of the sale of weapons and spare parts. Information on how the sale was conducted is not what I seek. United States v. Richardson carries no precedent.

Schlesinger v. Reservist Committee to Stop the War, 418 U.S. 208 (1974)

I do not seek to prove that The President used his position in government to inflict undue influence on others.

The standing to bring judicial action is based on a speech given by President Reagan on Nov. 19, 1986. Schlesinger v. Reservist Committe to Stop the War carries no precedent.

SPEECH OF NOV. 19, 1986

Within the speech televised to the nation the President admitted to authorizing a sale of weapons and spare parts. My case is not based on an alleged sale of weapons and spare parts. It is based on an actual decision the President said he made.

What I am expecting from the Defendant is confession and avoidance as an Affirmative Defense. Guilt with a reason.

I am in danger of losing my guaranteed form of constitutional government

as a United States citizen. The purpose of a constitutional government is to secure for people certain unchangeable rights. It is also to fix and shape the limits of governmental activities. A constitutional government is designed to Protect individuals and citizens from the arbitrary actions of those in authority.

Congress has the exclusive power to regulate trade that is national and foreign. Regulatory powers of Congress extend to private contracts that relate to foreign trade as well.

Common law is a flexible body of principles designed to accommodate new conditions that may arise in life. These conditions can affect trade, commerce and knowledge that dictate mans' sense of judgement.

It is the expressions of this court's efforts that determine what is Just and

Right between disputes. If this case is dismissed, I can only see it as justification for future violations of the Constitution, a danger that could bring the down-fall of our Government and this country. This should not happen to a country that is the symbol of freedom and justice to the world.

Todd Schmidt

S.S. No. 382-56-5176

Civ. No. 86-70213-DT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Todd Schmidt,

Plaintiff,

-v- Case No. 87-1213

Ronald Reagan, Judge Avern Cohn

Defendant. /

PROOF OF SERVICE

I, the undersigned, hereby certify that I have on the 10th day of March, 1987, sent by mail copies of the NOTICE(S) OF APPEALS in the above-entitled cause to the following person(s) at the address(es) given:

U.S. Court of Appeals

6th Circuit

538 U.S.P.O. & Courthouse

Cincinnati, Ohio 45202-3988

Todd Schmidt

48092 Ben Franklin

Utica, MI 48087

ROBERT A. MOSSING,
CLERK OF THE COURT

By: Deputy Clerk

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

Todd Schmidt,

Plaintiff,

-v-

The President of the United States, Ronald Reagan,

Defendant.

Docket No. 87-70213

Hon. Avern Cohn

(District Court Judge)

NOTICE OF APPEAL

Notice is hereby given that Todd Schmidt appeals to the United States Court of Appeals for the Sixth Circuit from the (___) Judgement (X) Order (__) Other (specify) of Dismissal entered in this action on February 23, 1987
(Date)

Todd Schmidt (In Pro Per)

(Counsel for Appellant)

Address: 48092 Ben Franklin

Utica, Michigan 48087

Phone: (313) 731-4098

Date: March 9, 1987